

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD AUSTON,

Defendant.

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Case No. 3:04cr130 (2)

JUDGE WALTER H. RICE

DECISION AND ENTRY ENTERING MONEY JUDGMENT AGAINST
DEFENDANT AND ORDERING FORFEITURE OF ALL ITEMS LISTED ON
ATTACHMENT "B" SAVE AND EXCEPTING ITEMS 1 AND 4 THEREIN;
JUDGMENT TO ENTER ACCORDINGLY

On February 14, 2007, the Government sought forfeiture of the assets listed in the Superseding Indictment and a \$10 million money judgment against Defendant, based upon his conviction of Count One of the Superseding Indictment (Doc. #271). Then-counsel for Defendant filed a response to the aforesaid, on February 26, 2007 (Doc. #274), in which he stated that Defendant "does not oppose forfeiture of any Real Property or Personal Property listed by the United States in Attachment "B" to its Memorandum because 'none of it belongs to him,'" and that he objected to the imposition of a \$10 million money judgment for which he and Defendant Taylor would be jointly liable, arguing that "the testimony at trial indicated that he derived no more than \$60,000 from his drug trafficking activity." On April 2, 2007, Defendant was sentenced to a total term of 180 months in the custody of the Bureau of Prisons (Doc. #283),

journalized in a Judgment Entry (Doc. #285). His trial counsel then filed a Notice of Appeal on Defendant's behalf (Doc. #288), following which he was allowed to withdraw as counsel of record (Doc. #293). On May 4, 2007, the Court stayed proceedings on any money judgment and/or forfeiture, pending resolution of the appeal (Doc. #295). When the Defendant's convictions were affirmed on appeal, the Court filed an Entry setting forth procedures leading to the resolution of the above matters (Doc. #353). When Defendant objected to the reappointment of his initial trial counsel, counsel was replaced by new counsel, Cheryll Bennett, Assistant Federal Public Defender for the Southern District of Ohio. The Court has been advised that "all attempts to reach a resolution with the Defendant Richard Auston on the matter of forfeiture have failed." (Doc. #372 at 1).

Accordingly, a review of the entirety of the Court's file reflects that Defendant has never wavered from the statement of his counsel, to the effect that the Defendant "does not oppose forfeiture of any of the Real Property or Personal Property listed by the United States in [Attachment] B to its Memorandum because none of it belongs to him." (Doc. #274 at 1). Accordingly, all of the items listed on Attachment "B" (attached), save and excepting the two items (paragraphs 1 and 4) that have been excluded therefrom, are ordered forfeited to the Government.

As indicated, Defendant has objected to the \$10 million money judgment requested by the Government. The Government has conceded that it will, consistent with the evidence of the Defendant's actual involvement in drug trafficking activities and consistent with the Defendant's position, agree to a money judgment against Defendant in the amount of \$60,000, for which he will be solely liable.

WHEREFORE, based upon the aforesaid, the Court orders the entry of judgment in favor of the Government and against Defendant in the amount of \$60,000, for which he will be solely responsible, and forfeiture, against the Defendant and in favor of the Government, for all items listed on the appended Attachment "B," save and excepting the items in paragraphs number 1 and 4 therein.

April 12, 2013



WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record

ATTACHMENT "B"

1. Money Judgment

A sum of money in United States Currency, representing the total amount of proceeds obtained:

(1) as a result of the offense in Count One alleging a violation of Title 21, United States Code, Section 841, or conspiracy to commit such offense, for which the defendants are jointly and severally liable, and

(2) as a result of the offense in Count Two alleging a violation of Title 21, United States Code, Section 848 (a) and (b).

2. Real Property

(3) Real Property, with all appurtenances and attachments thereon, located at 20008 E Monarch Court,

Walnut, California 91789, and more fully described as:

Lot 2 of tract No: 44291, in the City of Walnut, County of Los Angeles, State of California, as per map recorded in Book 1127, Pages 47 to 50 inclusive of maps, in the Office of the County Recorder of said County, except 2½ percent of all oil and gas and other hydrocarbon substances in, on, under or that may be produced from said land, as reserved by deed recorded in Book 15403, PC.28 official records;

3. Vehicles

- (4) 2002 brown Toyota Camry, bearing California tag 4VYA552 and VIN JTDDBE32K820044020, registered to Ronald Taylor;
- (5) 1994 green GM "C" series pickup truck, bearing California tag 4X91643 and VIN 1GTGC33N2RJ747444, registered to Ronald Taylor;
- (6) purple Chevrolet El Camino, bearing VIN 1W80L82425947, registered to Ronald Taylor;
- (7) green Auburn kit car, bearing VIN 591334, registered to Ronald Taylor;
- (8) 2001 silver Mercedes Benz S430, bearing California tag 4PGA917 and VIN WDBNG70J41A161822, leased to Rachea Craig, by Mercedes Benz Credit Corp.;

~~4. Currency~~

- ~~(9) \$5,000 in U.S. currency seized on April 11, 2002 from 3038 South Rio Claro Drive, Hacienda Heights, California;~~

5. Other property

Various items seized from 20008 Monarch Court, Walnut,

California, on April 17, 2002:

- (10) Sharp LCD television, bearing serial #011414655;
- (11) Panasonic 27-inch television, model #PV-C2780, bearing serial #EOAA13110;
- (12) Hitachi 36-inch color television, model #35UX70B V53005847;
- (13) 1998 Pioneer 60 Elite Model television, model #51PT002035UC;
- (14) Bang and Olufson Plasma television, bearing serial #14942589;
- (15) Sony 25-inch television, bearing serial #7003496;
- (16) RCA 25-inch Proscan television, bearing serial #308GL0421;
- (17) Mitsubishi 50-inch television, bearing serial #108217VS50707;
- (18) Fujitsu plasma flat screen television, model PDS4203W-H, bearing serial #3009819;
- (19) Fujitsu plasma flat screen television, model PDS4203W-H, bearing serial #3009953;
- (20) Mermaid Ventra computer monitor with LCD screen, bearing serial #204400593;
- (21) Bang and Olufson stereo with 5 speakers and amplifier;
- (22) Bang and Olufson wall mount CD unit;
- (23) video projector and large screen;
- (24) combination DVD/Hi-Fi VHS player, bearing serial #033500021308;
- (25) Bang and Olufson stereo system;
- (26) Panasonic DVD, bearing serial

#KT1DA011572;

- (27) white, K. Kawai baby grand piano, bearing serial #2382773;
- (28) 3 seater leather sofa from Roche Buboiss;
- (29) leather chair from Roche Buboiss;
- (30) OSIM Millennium massage chair, bearing serial #7090630;
- (31) assorted tables, including five (5) end tables, one (1) side table, and one (1) coffee table;
- (32) beige leather sectional sofa;
- (33) Golden West Billiard, Inc. pool table;
- (34) large mirror;
- (35) marble table with swans;
- (36) pewter and gold chess set;
- (37) green marble bedroom set, including dresser, bed, and night tables;
- (38) Continental System Preacher Curl;
- (39) Stairstepper Freechamber 440 Pt. stairmaster;
- (40) California machine - Parabody Strength Building Gear;
- (41) lateral rowing machine;
- (42) lateral pull down machine;
- (43) bench press;
- (44) Hack squat machine;
- (45) sit-up machine;
- (46) Schwinn 605 treadmill;

- (47) weight stand;
- (48) standing abdominal machine;
- (49) flat bench;
- (50) full set of dumbbells;
- (51) assorted curling bars, including a short curling bar, a long curling bar, and an angled curling bar;
- (52) full set of weight plates;

Various items seized on April 17, 2202, from the business located at 6641 Paramount Blvd., Long Beach, California:

- (53) thirty-four (34), 20-inch rims;
- (54) one hundred sixty-five (165), 22-inch rims;
- (55) one hundred five (105), 23-inch rims;
- (56) one (1), 17.5-inch rim;
- (57) ninety-nine (99), unboxed chrome custom rims;
- (58) four (4), 5x5 rims;
- (59) three (3) miscellaneous rims;

Various items seized on April 17, 2002, from the business located at 1330 Blue Gum Street #A, Anaheim, California:

- (60) HP computer 8575C, bearing serial #US00192150;
- (61) HP computer 8590C, bearing serial #US94690088;
- (62) HP computer, 8590C, bearing serial #US94690066;
- (63) Packard Bell monitor Supreme 160,

bearing serial #N162071917;

- (64) Vitek computer monitor, VTM14A bearing serial #0007001610;
- (65) Vitek computer monitor, VTM14A, bearing serial #0007001624;
- (66) HP computer monitor, Pavilion, bearing serial #TT95201068;
- (67) HP computer monitor, Pavilion, bearing serial #TT92801593;
- (68) HP computer monitor, Pavilion, bearing serial #TT92801574;
- (69) UMAX scanner, bearing serial #HAV00BD031160;
- (70) Proxima projector, bearing serial #60101082;
- (71) Phillips Magnavox 60-inch television, PTV835, bearing serial #33134023;
- (72) Javelin video monitor, BWM12B, bearing serial #M0060567;
- (73) one hundred forty (140), 23-inch rims;
- (74) one (1) box of wheel labels;